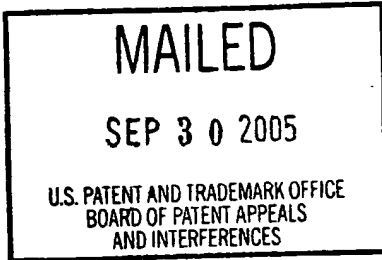


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER W. GABRYS and DENNIS G. SIMMONS

Application No. 09/630,157

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on August 30, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed an Information Disclosure Statement (IDS) on February 22, 2001. Although the examiner has initialed next to each of the references, the examiner has not signed and dated the 1449 (substitute) as required by the Manual of Patent Examining Procedure (MPEP) § 609 C(2).

According to MPEP § 609 C(2) (Eighth Ed., Rev. 2, May 2004):

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered

Application No. 09/630,157

by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form. (Emphasis added).

Another discrepancy that needs to be corrected by the examiner is noted on the Examiner's Answer. The primary examiner has not signed above the typed name as required by (MPEP) § 707.08. Correction is required.

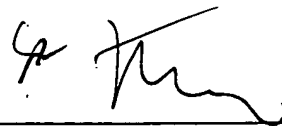
Accordingly, it is

ORDERED that the application is returned to the Examiner for

1. the examiner to sign and date the 1449 of the IDS filed February 22, 2001, and to mail a copy of the corrected IDS to appellant, and
2. the primary examiner to initial or sign above the typed name of the examiner's answer mailed October 6, 2004, as required, notification in writing to appellants of the action taken in this regard, and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



CRAIG FEINBERG
Program and Resource Administrator
(571) 272-9797

Application No. 09/630,157

cc: J. MICHAEL NEARY
53939 PINE GROVE ROAD
LaPINE, OR 97739

CF/vsh